

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

DANIEL MILLER,	*	C.A. No. 06-534-MPT
	*	
Plaintiff,	*	
	*	
v.	*	
	*	
ARAMARK HEALTHCARE SUPPORT	*	
SERVICES, INC., ARAMARK CLINICAL	*	
TECHNOLOGY SERVICES, INC., and	*	
ARAMARK MANAGEMENT SERVICES	*	
LIMITED PARTNERSHIP,	*	
	*	
Defendants.	*	
STATE OF DELAWARE	*	
	*	
COUNTY OF KENT	*	

AFFIDAVIT OF DANIEL MILLER

COMES NOW, Daniel Miller, who being of sound mind, doth depose and say as follows:

1. I am the Plaintiff in the above-captioned action.
2. The attached "Position Statement and Allegations," which I submitted to the Delaware Department of Labor on April 3, 2006, is true and accurate to the best of my knowledge, information and belief.
3. With respect to the incident involving a defibrillator, concerning which a written disciplinary document was issued to me on April 5, 2005, which I refused to sign, I never observed the "gap" in the "top and bottom case" referenced in the document.
4. During the termination meeting that Jonathan Hill held with me on April 15, 2005, I do not recall any mention being made of the incident involving the treadmill/stress machine (disciplinary document issued March 24, 2005) or the incident

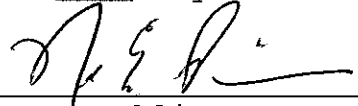
involving the defibrillator, nor do I recall any mention being made of alleged "safety" issues or concerns.

5. I was the only Aramark employee at Bayhealth Medical Center who took extended FMLA leave from the time that Jonathan Hill started as supervisor on July 1, 2004, until my termination on April 15, 2005.

FURTHER AFFIANT SAITH NOT.


DANIEL MILLER

SWORN TO AND SUBSCRIBED before me this 19th day of October, 2007.


Notary Public
My commission expires:

NOEL E. PRIMOS
Delaware Attorney at Law with
Power to act as Notary Public
per 29 Del. C. § 4323 (a) (3)

NOEL E. PRIMOS
Delaware Attorney at Law with
Power to act as Notary Public
per 29 Del. C. § 4323 (a) (3)

POSITION STATEMENT AND ALLEGATIONS #1

Charging party states other younger workers were given no disciplinary documentations when having performed the same action for which the charging party was disciplined.

Descriptions as follows:

March 4, 2004 Failure to Perform – submitting incomplete and incorrect information on work forms (initial inspections forms for new equipment)

Prior to receiving the disciplinary document of March 4, 2005, I visually observed Sharon Money (department administrative assistant) returning incomplete work order forms to Bill McClemment (junior technician approximately 25 years old) and the same or similar documents to Sterling Townsend (intermediate level technician approximately 27 years old) requesting they be completed prior to her submitting. NO INTERVENTIONAL DISCIPLINARY ACTION was ever taken towards these individuals for committing the same offence I was charged with on March 4, 2005. In addition Sterling Townsend was never charged with a SAFETY VIOLATION for performing an initial inspection on the exact model cardiac stress system he had performed an initial inspection on while the GE Healthcare personnel setup and having the emergency safety switch installed in the exact location it had been placed on the system I installed on February 24, 2005. I brought the matter to Mr. Hill's attention at the time of my documented disciplinary session of March 24, 2005 his response was that was not the issue at this time and he demanded I also relocate the switch on the other system to the location he believed was appropriate, since he informed me the manufacture (GE healthcare) would not commit to a specific area due to possible legal issues. Another words Sterling Townsend was not reprimanded.

John Ritterhoff (senior technician, my rank also at this time) would turn incomplete paper inspections forms, only to have them returned to him for completion by his sister-in-law, Sharon Money for completion prior to her submitting them to the Mr. Hill.

In a conversation with Steve Mc Vickers (x-ray imaging engineer of the department) I explained I was disciplined for not completing a submitted form when the information was not available. He agreed some info for example Purchase price, date of order purchase order # OEM, ship date, etc is only in hospital receiving dept. and sometimes months after the fact not possible to track down. He mentioned he submits forms completed with all available information only to receive them back from the manager with post-it notes attached in the managers handwriting and the manager never pursued any action against him and produced the exact type form I was persecuted about.
SEE ATTACHED COPY

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DEPARTMENT OF LABOR
INDUSTRIAL AFFAIRS
MILFORD OFFICE
STATE OF DELAWARE

A00499

CERTIFICATE OF SERVICE

I hereby certify that I have caused copies of the following:

AFFIDAVIT OF DANIEL MILLER

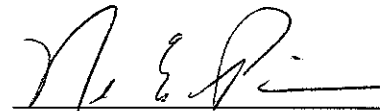
to be served upon:

Michael P. Kelly, Esq.
Christopher A. Selzer, Esq.
McCarter & English, LLP
919 North Market Street, Suite #1800
P.O. Box 111
Wilmington, DE 19899

by e-filing copies to them at the address listed above, on
October 22, 2007.

SCHMITTINGER & RODRIGUEZ, P.A.

BY:



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Attorneys for Plaintiff

DATED: 10 22-07
/ljo